**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 8797 of 2007**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**CHIRAG HASMUKHLAL VYAS - Petitioner(s)**
**Versus**
**THE STATE OF GUJARAT & 2 - Respondent(s)**

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**Appearance :**
MR BC DAVE for Petitioner(s) : 1,
MR NEERAJ SONI, AGP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 3.

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**CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

**Date : 01/05/2007**

**ORAL JUDGMENT**

Rule. Mr. Neeraj Soni, Ld. AGP waives service of rule on behalf of the respondents.

At the request of the learned advocates for the parties the matter is taken up for final hearing today itself.

2. In this petition, the petitioner has challenged order dated 31/3/2004 passed by respondent no. 3 cancelling the licences of the petitioner as Stamp Vendor for sale of non-postal stamps. Licences No. SB 424/99 and SB 425/99 have been cancelled with effect from 31/3/2004.

2.1. It is the say of the petitioner that before cancelling the licences, no show cause notice has been issued and he has not been afforded any opportunity of hearing. This is the main ground on which the impugned order is challenged.

3. I have heard Mr. BC Dave, learned advocate for the petitioner and Mr. Neeraj Soni, Ld. AGP for respondents. The concerned officer of the respondents is present with file of the case. The contention of the petitioner with regard to violation of principles of natural justice is not controverted by the otherside. The Ld. AGP has perused the entire file and there is no evidence available with the respondents including office copy of the notice to show that any notice was served on the petitioner. Therefore, it is obvious that the petitioner's say is true. In view of the same, impugned order suffers from vice of violation of principles of natural justice and hence it is required to be quashed and it is hereby quashed and set aside. The matter is remitted to respondent no. 3 for his reconsideration. He is directed to issue notice to petitioner in advance intimating the date of hearing and on the date of hearing,

if the petitioner so desires, permit him to produce necessary documents to support his case. After granting adequate opportunity to petitioner respondent no. 3 may take decision within one month from the date of hearing and he will intimate the decision to the petitioner within 15 days thereafter.

With aforesaid direction, the petition is allowed. Rule made absolute with no order as to costs.

[ Akshay H Mehta, J. ]

* Pansala.